

REMARKS/ARGUMENTS

These Remarks are responsive to the Office Action mailed October 16, 2007 ("Office Action"). Applicants respectfully request reconsideration of the rejections of 1-39 for at least the following reasons.

Claim Rejections under 35 U.S.C. § 103

Claims 1, 5-8, 10, 13, 15, 19-22, 24, 27, 29 and 33-39 are currently rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,504,479 to Lemons et al. ("Lemons") in view of U.S. Patent No. 6,392,583 to Shere ("Shere") and further in view of U.S. Patent No. 6,658,463 to Dillon et al. ("Dillon"). Claims 3, 4, 17, 18, 31 and 32 are being allegedly unpatentable over Lemons in view of Shere in view of Dillon and in further view of U.S. Patent No. 6,643,510 to Taylor ("Taylor"). Claims 11 and 25 are being allegedly unpatentable over Lemons in view of Shere in view of Dillon and in further view of U.S. Patent No. 6,614,884 to Jang ("Jang"). Claims 12, 14, 26 and 28 are being allegedly unpatentable over Lemons in view of Shere in view of Dillon and in further view of U.S. Patent No. 6,577,234 to Dohrmann.

Under 35 U.S.C. § 103, the Patent Office bears the burden of establishing a prima facie case of obviousness. In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). The Patent Office can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of references. Id. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). That is, under

35 U.S.C. § 103, teachings of references can be combined only if there is some suggestion or motivation to do so. *Id.* However, the motivation cannot come from the applicant's invention itself. *In re Oetiker*, 977 F.2d 1443, 1447, 24 USPQ2d 1443, 1446 (Fed. Cir. 1992). Rather, there must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the art would make the combination. *Id.*

Regarding to claim 1, the Examiner asserts that Lemons discloses the claimed invention except for "the claimed satellite signals encode data alerting the processing center to the presence of said intruder in said predetermined area or said one or more of the plurality of predetermined areas," and "the claimed security system wherein the communicating means comprises a satellite return channel." Applicant respectfully disagrees. Specifically, Applicant respectfully submits that Lemons fails to disclose, or even suggest "the satellite signals received from the processing center carry data to activate a local alarm/warning system at the subscriber location," as recited in claim 1. The Examiner cited column 3, lines 33-41; column 4, lines 42-45; column 5, lines 15-25 and column 8, lines 65-67 of Lemons as disclosing such limitation. Applicant respectfully submits that nowhere in the sections cited by the Examiner or anywhere in Lemons does Lemons disclose, or even suggest such limitation. Instead, Lemons discloses the alarm is automatic activated by a site control unit 14 and not "the satellite signals received from the process center carry data to activate a local alarm/warning system at the subscriber location.". See column 7, lines 51-65. At best, Lemons discloses an operator located at the monitoring center 38 may request to view video to verify the presence of an intrusion and allow the operator to reject the alarm if no visual identification or verification of the threat can be made. Moreover, Lemons discloses the operator at the monitoring center 38 may turn one or more of the lights on, playing a recorded announcement over the speaker are not "the alarm/warning system at the subscriber

location." Therefore, Lemons fails to disclose, or even suggest, "the satellite signals received from the processing center carry data to activate a local alarm/warning system at the subscriber location," as recited in claim 1.

Also regarding claim 1, the Examiner admits and Applicant agrees that Lemons fails to disclose, or even suggest, "the satellite signals encode data alerting the processing center to the presence of said intruder in said predetermined area or said one or more of the plurality of predetermined areas," as recited in claim 1. To render this deficiency, the Examiner relies upon Shere. The Examiner asserts that Shere discloses "a security system with bi-directional communications using satellites." Applicant respectfully disagrees. Applicant respectfully submits that Shere discloses "the sensor provides an output signal to a transmitting device 102, which transmits via a conventional communications link (or combination of links) 104 to a receiver 106 at or adjacent a central office 108." See column 1, lines 67 to column 2, line 3. Nowhere does Shere disclose, or even suggest, the conventional communications link is a bi-directional satellite communication system. At best, Shere discloses that the central office may communicate with *other* homes, buildings or persons via any number of communications mechanisms e.g., satellite. See column 3, lines 5-8. Therefore, Shere does not disclose that the conventional communications link between the central station and the monitored premises is a bi-directional satellite communication system.

In arguendo, as the Examiner interpreted that the two-way communication system between the monitored premises and the central office utilizes a satellite communication system, Shere still fails to disclose, or even suggest, "satellite signals encode data alerting the processing center to the presence of said intruder in said predetermined area or said one or more of the plurality of predetermined areas." As illustrated in Figure 2 of Shere, the two-way

communication system between the central monitoring office 208 and the monitored premises (e.g., utility gateway 21, security system 200 and pager 216) is different from the unidirectional communication system between the central monitoring office 208 and the pre-notification sensors 200. Furthermore, the two-way communication system between the central monitoring office 208 and the monitored premises does not “encode data alerting the processing center to the presence of said intruder in said predetermined area or said one or more of the plurality of predetermined areas. Instead, encoding data alerting the processing center to the presence of natural disaster in one or more predetermined areas is done on the unidirectional communication system between the central office 208 and the pre-notification sensors 200.

Further regarding claim 1, the Examiner admits and Applicant agrees that Lemons in view of Shere fails to disclose, or even suggest, “communicating means comprising at least a satellite return channel, as recited in amended claim 1. For this major deficiency, the Examiner relies upon Dillon’s satellite multicast proxy to teach this missing limitation. The Examiner summarily concludes that “it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Lemons and Shere according to the teachings of Dillon to use a satellite return channel to accomplish the two -way communication.” Applicant respectfully disagrees. The motivation relied upon by the Examiner fails to consider how the systems of Lemons and Shere could be reasonably modified based on the alleged teaching. One having ordinary skill in the art would not look to combine the teachings of Lemons, Shere and Dillons and the Examiner’s statement of motivation is not based on any teaching but rather is a clear example of improper hindsight. Lemons seems to referring to an integrated security system for monitoring premises to detect an intrusion onto the premises and alerting a subscriber of the detection of an intrusion. While Shere seems to referring to a seismic

sensor located deep in the earth to detect an earthquake and alerting a subscriber of the detection of an earthquake. Moreover, Dillon seems to referring to a distribution of World Wide Web content over a geosynchronous satellite communications network. Therefore, one having ordinary skill in the art would not look to modify a premise security system of Lemons with the earthquake detection system of Shere and the World Wide Web communication network of Dillon. In the Response Section of the Office Action, the Examiner asserts that because “the prior art references were found in a search of relative prior art of remote reporting, condition monitoring and communications,” therefore one of ordinary skill in the art would have combined the prior art references. Applicant respectfully disagrees. Applicant respectfully submits that report reporting, condition monitoring and communications are non-analogues fields of art. Therefore, one of ordinary skill in the art would not combine a premise security system of Lemons with the earthquake detection system of Shere and the World Wide Web communication network of Dillon.

Moreover, Lemons teaches away from “communicating means comprising at least a return satellite channel,” as recited in claim 1. More specifically, Lemons discloses “a common communications channel for exchange of information and the reporting of alarms ... The communications channel is capable of only of being used so long as required to send and receive appropriate data and instructions.” *See column 2, lines 56-63.* Therefore, Lemons discloses the use of a common communication channel for send and receive appropriate data, rather than “at least a return satellite channel.” Dillon discloses “a satellite communications networks having an outbound high speed, continuous channel carrying packetized data and either a satellite inbound channel or a terrestrial inbound channel.” *See column 1, lines 17-20.* Therefore, one having ordinary skill in the art would not modify a common communication channel of Lemons with a

satellite communications networks of Dillon having two disparate inbound and outbound channels. Furthermore, the Examiner fails to provide a proper statement of motivation as to why one of ordinary skill in the art would modify Lemons that admittedly shows only a common communication channel to accomplish two-way communication.

Moreover, Shere also teaches away from “communicating means comprising at least a return satellite channel,” as recited in claim 1. More specifically, Shere discloses in Figure 2, that the pre-notification sensors 200 connected to the central monitoring office 208 via a unidirectional communication system. In other word, the pre-notification sensors 200 only transmit to the central monitoring office 208 and there is no return channel from the central monitoring office 208 back to the pre-notification sensors 200.

In the present claimed invention, the Examiner’s sole justification for combining Lemons, Shere and Dillon has absolutely nothing to do with the teachings of each reference. As admitted by the Office Action, Lemons and Shere fails to show the missing limitations as recited in amended claims 1, 15, 29, 36, 38 and 39. The Office Action’s statement of motivation fails to consider how Lemons, Shere and Dillon could be combined by the teachings of the applied references. To properly combine Lemons, Shere and Dillon, the Office has the burden to show some motivation why providing those elements would have overcome some perceived problem with Lemons and Shere. Any such motivation is completely lacking. This is a clear example of improper hindsight.

The mere fact that Lemons can be modified does not render the resultant modification obvious unless there is a suggestion or motivation found somewhere in the prior art regarding the desirability of the combination or modification. *See M.P.E.P § 2143.01; see also In re Mills*, 16 U.S.P.Q.2d 1430, 1432 (Fed. Cir. 1990); *In re Fritz*, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). In

addition, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicants' disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

In *In re Hedges*, 783, F.2d 1038, 1041, 228 U.S.P.Q. 685, 687, (Fed. Cir. 1986), the U.S. Court of Appeals for the Federal Circuit stated that "the prior art as a whole must be considered. The teachings are to be viewed as they would have been viewed by one of ordinary skill." The court also stated that "[i]t is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art" (quoting *In re Wesslau*, 353 F.2d 238, 241, 147 U.S.P.Q. 391, 393 (CCPA, 1965)).

Therefore, the proposed combinations fail to show, teach or make obvious the invention as claimed by Applicants. The Office Action has failed to provide proper motivation for combining Lemons, Shere and Dillon. Even if the Lemons, Shere and Dillon references could be combined as suggested by the Office Action, the resulting combination would fail to disclose the combination of claimed limitations.

Regarding claims 3-14, these claims are dependent upon independent claim 1. Thus, since independent claim 1 should be allowable as discussed above, claims 3-14 should also be allowable at least by virtue of their dependency on independent claim 1. Moreover, these claims recite additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

Regarding claims 15, 29, 36, 38 and 39, these claims recite subject matter related to claim 1. Thus, the arguments set forth above with respect to claim 1 are equally applicable to claims

15, 29, 36, 39 and 39. Accordingly, is it respectfully submitted that claims 17-28, 31-35, and 37 are allowable for the same reasons as set forth above with respect to claim 1.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 1, 3-15, 17-29 and 31-39 be withdrawn.

CONCLUSION

In view of the foregoing amendments and arguments, it is respectfully submitted that this application is in condition for allowance. If the Examiner believes that prosecution and allowance of the application will be expedited through an interview, whether personal or telephonic, the Examiner is invited to telephone the undersigned with any suggestions leading to the favorable disposition of the application.

The Director is hereby authorized to treat any current or future reply, requiring a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. Applicants also authorize the Director to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees, to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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